

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street

Sacramento, CA 95814

August 7, 1974



ALL-COUNTY LETTER NO. 74-158

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Camp v. Swoap

REFERENCE:

By letter dated March 1, 1972, you were advised of the Modified Preliminary Injunction issued by the Sacramento County Superior Court in the case of Camp v. Carleson. At that time you were provided copies of regulations regarding stepfather contributions which had been adopted pursuant to the Preliminary Injunction in Camp. On July 19, 1974, the Superior Court issued a Permanent Injunction which does not require any change in current procedure for the determination of stepfather contributions. Current regulations governing those contributions will remain in effect.

However, the Permanent Injunction also invalidates the provision in EAS § 44-133.54 requiring mandatory referral of stepfather cases to the appropriate county legal officer. You should continue to determine whether a stepfather makes available to the wife or Family Budget Unit an appropriate amount in accordance with EAS § 44-133.53. If a stepfather is not making such appropriate amount available, the case shall be referred for legal action only where one or more of the following conditions are met:

1. The wife expresses a freely given willingness to institute proceedings pursuant to Civil Code § 5127.5 to obtain her share of the community property.
2. There are additional reasonable grounds to suspect that the stepfather and his wife or either of them have violated W&I Code §§ 11482 or 11483 by having intentionally concealed or misstated income, which

ALL COUNTY WELFARE DIRECTORS

Page Two

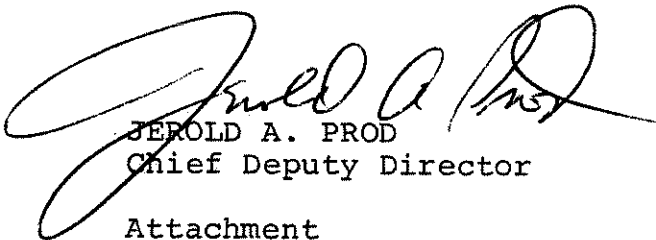
August 7, 1974

the stepfather actually provides his non-adopted stepchildren, with the intention in making such false statement or concealing such fact to obtain aid for the said children.

3. There are additional reasonable grounds to believe that the stepfather, having the ability to do so, does not actually provide his wife with necessary food, clothing, shelter and medical attention as required by Penal Code § 270a.

You should continue to refer all stepfather cases which meet one or more of the above conditions to the appropriate county legal officer in accordance with EAS § 44-133.54. Amendments to EAS § 44-133.54 which reflect the requirements of the Permanent Injunction are currently being prepared. The amended regulation will be issued shortly. You are directed to comply with the Permanent Injunction, a copy of which is attached. The trial court's decision in the Camp case is now final and will be appealed by the State.

Sincerely,



JEROLD A. PROD
Chief Deputy Director

Attachment

cc: CWDA

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ENDORSED

JUL 19 1974

W. N. DUNFORD
COUNTY CLERK, BY
J. E. COHODOL
DEPUTY

NO. 32130
The enclosed instrument is a correct
copy of the original on file in my
files.
Attest: JUL 22 1974
Certified
W. N. Dunford, County Clerk and ex-
officio Clerk of the Superior Court
in and for the County of Sacramento
State of California.
By *W. N. Dunford*

SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

ROSIE LEE CAMP, et al.,)
)
Plaintiffs,)
)
-vs-)
)
DAVID B. SWOAP, Director,)
Department of Benefit Payments,)
State of California; DEPARTMENT)
OF BENEFIT PAYMENTS, a Depart-)
ment of the State of California)
formerly STATE DEPARTMENT OF)
SOCIAL WELFARE,)
)
Defendants.)
)

No. 216154
PERMANENT INJUNCTION

The above-entitled action came on regularly for trial on
February 4, 1974, at 10:00 a.m., before the Court without a jury,
the Honorable B. ABBOTT GOLDBERG, Judge, presiding. JAY-ALLEN
EISEN and CRAIG H. SCOTT appeared as attorneys for plaintiffs.
RICHARD M. SKINNER, Deputy Attorney General, appeared as attorney
for defendants. The Court heard the testimony, examined the
proofs and carefully considered the written and oral arguments

1 offered by the parties. The Court having filed its findings of
2 fact and conclusions of law on June 18, 1974, and entered its
3 judgment herein on June 20, 1974, at Book 322, Page 154,

4 IT IS HEREBY ORDERED that defendants, their successors in
5 office, agents, assigns, employees and all persons acting by,
6 through, in concert with, or under them or subject to their
7 supervision and control are permanently restrained and enjoined
8 from:

9 1. Adopting or enforcing the provisions of
10 E.A.S. §§44-113.6 and 44-133.5 as effective October 1, 1971, or
11 any similar regulations which consider a wife's community pro-
12 perty interest in or any other portion of her husband's income to
13 be available for the support of the wife's children by another
14 man whom the husband has not adopted in determining the child-
15 ren's eligibility for and amount of AFDC, in the absence of
16 proof that such income is actually available to her children to
17 meet their needs, or to the wife for use to support her children;

18 2. Enforcing the provisions of E.A.S. §44-315.431 as
19 adopted June 29, 1972, or any other regulation which computes
20 grants to AFDC children living with non-adoptive stepfathers in
21 a manner different than/required by Welfare & Institutions Code
22 §11450(a), or limits the maximum grants payable to such children
23 to amounts less than those set forth in the table contained in
24 Welfare & Institutions Code §11450(a) as modified by the cost-of-
25 living adjustments required by Welfare & Institutions Code
26 §11453, or treats such children in a manner different from

1 other equally needy children living with non-needy persons;

2 3. Enforcing the provisions of E.A.S. §44-133.54 or any
3 similar regulation which requires mandatory referral for legal
4 action of all cases in which a stepfather does not make actually
5 available to his wife her full community property interest in his
6 earnings except in those particular cases where:

7 (a) the wife expresses a freely-given willingness
8 to institute proceedings to obtain such community
9 property share pursuant to Civil Code §5127.5;

10 (b) there are reasonable grounds to suspect that
11 the stepfather and his wife or either of them have
12 violated Welfare & Institutions Code §§11482 or 11483
13 by having intentionally concealed or misstated income
14 which the stepfather actually provides his wife's
15 children by another man with the intention in making
16 such false statement or concealing such fact to
17 obtain aid for the said children; or

18 (c) there are reasonable grounds to believe
19 that the stepfather, having the ability to do so,
20 does not actually provide his wife with necessary
21 food, clothing, shelter and medical attention as
22 required by Penal Code §270a.

23 DATED: July 19, 1974

24 B. ABBOTT GOLDBERG
25 B. ABBOTT GOLDBERG
26 Judge of the Superior Court